

(Two trillion, two hundred eighty billion, eight hundred sixty-three million.)

Fifteen years ago, April 14, 1982, the Federal debt stood at \$1,063,287,000,000. (One trillion, sixty-three billion, two hundred eighty-seven million.)

Twenty-five years ago, April 14, 1972, the Federal debt stood at \$430,716,000,000 (four hundred thirty billion, seven hundred sixteen million) which reflects a debt increase of nearly \$5 trillion—\$4,947,884,468,556.80 (four trillion, nine hundred forty-seven billion, eight hundred eighty-four million, four hundred sixty-eight thousand, five hundred fifty-six dollars and eighty cents) during the past 25 years.

#### JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES

Mr. HATCH. Mr. President, I have introduced legislation to make a technical correction to the provision of the Antiterrorism and Effective Death Penalty Act of 1996, which provided a limited exception to the Foreign Sovereign Immunity Act, allowing U.S. courts to hear claims by American victims of foreign terrorism against the lawless governments that sponsored the terrorist act. I am pleased to be joined by Senator MACK, Senator KENNEDY, Senator D'AMATO, and Senator MOYNIHAN in introducing this bill.

Nearly a year ago, when we passed the landmark Antiterrorism and Effective Death Penalty Act, Congress took the important step of ensuring that Americans who are harmed by foreign governments committing or directing terrorists acts can sue those governments in American courts. Congress did this by amending the Foreign Sovereign Immunity Act, which generally bars claims against foreign governments, to provide that the FSIA does not preempt claims for personal injury or death by the victims and survivors of terrorist acts committed by certified terrorist states. Thus, lawless nations no longer are able to hide their terrorist acts behind the rules of international law that they otherwise flaunt.

It has come to our attention, however, that a particular phrase in this law puts at risk, for a small class of intended claimants, the right to be heard in court.

As enacted, the law provides that a claim must be dismissed if "the claimant or the victim was not a national of the United States" when the terrorist act occurred. There is substantial concern that this phrase may be interpreted by the courts to require that both the victim and the claimant be U.S. nationals. As a result, several American claimants against Libya for the bombing of Pan Am Flight 103 could be barred from bringing an action because their spouses, who were killed in the attack, were British subjects.

Notably, the amendment to the Foreign Sovereign Immunity Act was not

intended by Congress to preclude its application in such circumstances. Rather, all that was intended was that either the victim or the claimant be U.S. a national in order for foreign sovereign immunity not to apply, permitting a claim to go forward.

The legislation we are introducing today corrects this ambiguity, by amending the law to apply foreign sovereign immunity, and thus bar the claim if "neither the claimant nor the victim was a national of the United States." It is only right that we should do this.

Companion legislation, H.R. 1225, has been introduced in the other body by Representatives HYDE and CONYERS, the distinguished chairman and ranking member of the House Judiciary Committee. It is my hope that my colleagues will join us in a bipartisan effort to pass this legislation quickly.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 568

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective with respect to any cause of action arising, before, on, or after the date of the enactment of this Act, section 1605(a)(7)(B)(ii) of title 28, United States Code, is amended by striking "the claimant or victim was not" and inserting "neither the claimant nor the victim was".*

Mr. D'AMATO. Mr. President, I rise in support of the bill offered by the chairman of the Judiciary Committee that will correct a drafting error in the Antiterrorism and Effective Death Penalty Act of 1996, thereby removing an impediment that would have restricted U.S. victims or their U.S. survivors to sue a country, designated by the Department of State, that sponsored the terrorist act which caused the death.

The Antiterrorism Act contained provisions that limited the jurisdictional immunities of foreign states, particularly those countries that sponsored acts of terrorism. It was intended that a victim of terrorism who is an American national, or their American survivors, would not be barred from filing a claim against a country that sponsored the terrorist act. Unfortunately, as drafted, it was not clear that Congress intended this right of action to be available to victims who are American as well as survivors who are American, even if the victim who perished was not a U.S. citizen.

Countries, designated by the Department of State, that sponsor terrorism should be subject to civil suits by the victim or their surviving families. This right of action should be available whether the victim was American or the survivor was American.

This clarification should allow for the suit of an American citizen whose spouse perished in the destruction of

Pan Am 103 over Lockerbie, Scotland, in December 1988.

I thank my colleague for taking up this issue and urge immediate passage so that justice can be achieved for several of the families of Pan Am 103, and all future victims of state-sponsored terrorism.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT RELATIVE TO DUTY-FREE TREATMENT—MESSAGE FROM THE PRESIDENT—PM 29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

##### *To the Congress of the United States:*

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated developing countries. The program is authorized by title V of the Trade Act of 1974, as amended.

Pursuant to title V, I have determined that Argentina fails to provide adequate and effective means under its laws for foreign nationals to secure, to exercise, and to enforce exclusive rights in intellectual property. As a result, I have determined to withdraw benefits for 50 percent (approximately \$260 million) of Argentina's exports under the GSP program. The products subject to removal include chemicals, certain metals and metal products, a variety of manufactured products, and several agricultural items (raw cane sugar, garlic, fish, milk protein concentrates, and anchovies).

This notice is submitted in accordance with the requirements of title V of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 11, 1997.